



26 SEP 2002
UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Joseph A. Sebolt
Sand & Sebolt
Aegis Tower
4940 Munson Street, NW
Canton, Ohio 44718-3615

In re Application of	:	
NILSSON, Tomas	:	
Application No.: 10/009,072	:	
PCT No.: PCT/SE00/01173	:	DECISION ON PETITION
Int. Filing Date: 07 June 2000	:	
Priority Date: 10 June 1999	:	
Attorney Docket No.: 1987-A-PCT-US	:	
For: TIRE DEVICE	:	

This is a decision in response to applicant's "Response to Notification of Abandonment and Request for Reinstatement of Application" filed 09 April 2002 and "Petition to Revive Office Error or in the Alternative, Unintentional Abandonment" filed 16 July 2002.

BACKGROUND

On 07 June 2000, applicant filed the above-captioned international application which claimed a priority date of 10 June 1999. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 21 December 2000. A proper Demand was filed prior to the expiration of 19 months from the priority date, which the United States was elected. Accordingly, the thirty-month time period for submitting the requisite basic national fee in the United States of America expired at midnight on 10 December 2001.

On 06 December 2001, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: a check in the amount of \$930 (\$890 for the basic national fee and \$40 for the filing of an assignment); a preliminary amendment; an executed declaration; and an authorization to charge deposit account any additional fees which may be required.

On 03 April 2002, the United States Elected Office mailed a NOTIFICATION OF ABANDONMENT UNDER 37 CFR 1.495 (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to provide the full U.S. Basic National Fee by 30 months.

On 09 April 2002, applicants filed "Response to Notification of Abandonment and Request for Reinstatement of Application."

On 16 July 2002, applicant filed "Petition to Revive Office Error or in the Alternative, Unintentional Abandonment" requesting to withdraw the holding of abandonment.

DISCUSSION

The above-identified application was **ABANDONED** on 11 December 2001 for failure to pay the full basic national fee 30 months from the priority date for international application no. PCT/SE00/01173. The basic national fee for a large entity whose international search report was conducted by the Swedish Patent Office is \$1040. (See 37 Code of Federal Regulation 1.492(a)(3)). A review of the finance record reveals that a check in the amount of \$930 and authorization to charge any additional fees to deposit account no. 19-0083 was listed on the transmittal letter filed 06 December 2001. Since the applicant gave authorization to charge any additional fees to deposit account no. 19-0013, applicant has paid the full basic national fee prior to the expiration of the 30th month deadline and the Notification of Abandonment mailed 03 April 2002 is hereby vacated.


CONCLUSION

For the reasons above, the request is **GRANTED**.

The Notification of Abandonment mailed 03 April 2002 is hereby **VACATED** and the holding of Abandonment is withdrawn.

The application has an international filing date of 07 June 2000 under 35 U.S.C. 363 and a 35 U.S.C. 371(c) date of **06 December 2001**.

This application is being returned to the United States/Designated Elected Office for processing in accordance with this decision.



Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: (703)308-6314
Fax: (703)308-6359